

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2

HOUSE BILL NO. 489

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to municipalities and the care of
7 and responsibility for prisoners."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 29.10.200 is amended by adding a new paragraph to read:

10 (51) AS 29.35.600 (custody and care of prisoners)

11 * Sec. 2. AS 29.35 is amended by adding a new section to read:

12 ARTICLE 9. CUSTODY AND CARE OF PRISONERS.

13 Sec. 29.35.600. CUSTODY AND CARE OF PRISONERS. An organized
14 borough in which no state correctional pretrial facility is located,
15 and a city of 1,000 or more people, as determined under AS 29.60.020,
16 located 50 miles or more from a state correctional pretrial facility,
17 shall provide for the custody and care of prisoners as set out in
18 AS 33.30.071. This section applies to home rule and general law
19 municipalities.

20 * Sec. 3. AS 33.30.071 is repealed and reenacted to read:

21 Sec. 33.30.071. RESPONSIBILITY FOR PRISONERS PENDING COMMITMENT.

22 (a) Notwithstanding AS 33.30.011(1), from the time of arrest
23 until sentencing, or until the prisoner is accepted into a state
24 correctional facility by the commissioner of corrections, a muni-
25 cipality, as defined in (g) of this section, shall provide for the
26 custody, care, and discipline of a prisoner arrested or brought within
27 its boundaries by a law enforcement officer. To the extent that money
28 is appropriated by the legislature for that purpose, the commissioner
29 of public safety shall reimburse the municipality for reasonable costs

1 incurred under this section.

2 (b) Notwithstanding AS 33.30.011(1), the commissioner of public
3 safety shall provide for the custody, care, and discipline of a pris-
4 oner other than one described in (a) of this section pending commit-
5 ment by a court to the custody of the commissioner of corrections or
6 admission to a state correctional facility. The responsibility of the
7 commissioner of public safety under this subsection does not begin
8 until a prisoner is accepted into the custody of the commissioner of
9 public safety, or admitted into a correctional facility or other
10 facility designed for holding prisoners, and the commissioner of
11 public safety is notified of the admission.

12 (c) Except as otherwise provided in this subsection, the respon-
13 sibility for providing necessary non-emergency medical services for a
14 prisoner remains with the commissioner of corrections under
15 AS 33.30.011(4). To be reimbursable, necessary medical services
16 provided a prisoner by a municipality must be approved in advance by
17 the commissioner of corrections. Necessary emergency medical services
18 provided to a prisoner by a municipality are reimbursable if the
19 commissioner of corrections is promptly notified following delivery of
20 the services. Medical services for a prisoner who is unconscious or
21 in immediate need of medical attention before admission to a cor-
22 rectional facility or commitment by a court to the custody of the
23 commissioner of corrections shall be provided by the law enforcement
24 agency having custody of the prisoner. A law enforcement agency or
25 the commissioner of corrections may require a prisoner to compensate
26 the agency or commissioner for the cost of medical services provided
27 for a preexisting medical condition not arising out of the prisoner's
28 arrest.

29 (d) The commissioner of corrections and the commissioner of

1 public safety are not responsible for providing custody, care, and
2 discipline for a person detained under AS 47.30.705 or AS 47.37.170,
3 unless the person is admitted into a state correctional facility.

4 (e) Nothing in this section prohibits a borough and a city
5 within its boundaries from contracting with each other to meet the
6 obligations of (a) of this section.

7 (f) The commissioner of public safety may adopt regulations to
8 implement this section.

9 (g) As used in this section, "municipality" means

10 (1) an organized borough that does not contain a state
11 correctional pretrial facility; and

12 (2) any city of 1,000 or more people, as determined under
13 AS 29.60.020, located 50 miles or more from a state correctional
14 pretrial facility.

15 * Sec. 4. AS 33.30.901 is amended by adding a new paragraph to read:

16 (14) "pretrial facility" means a correctional facility
17 designated by the commissioner for the custody, care, and discipline
18 of persons charged with violations of state law.